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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,064	01/19/2001	Hyung Hoon Oh	0630-1221P	6671
2292	7590	10/19/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SENGI, BEHROOZ M	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

2613

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/764,064	Applicant(s) OH ET AL.	
	Examiner Behrooz Senfi	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8 – 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8 and 11 – 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa (US 6,363,061) in view of Nakatsuyama (US 6,253,246).

Regarding newly amended claim 1, Yuzawa '061 teaches, "an image communication for compressing video and audio data of an image and transmitting them " (i.e. fig. 1, shows transmission of data from the transmitter side to receiver side), in which one packet data frame comprises: "a header data for separating video data and audio data) (i.e. col. 6, lines 41 – 44) and "compressed audio data and video data" (fig. 1, encoder for compressing the video and audio) and the newly added limitations in control index representing information for indicating an additional operation "from the group consisting of" place the existing paragraph into a "Markush format", which only require meeting one of the "an image quality selection, an image retransmission, a privacy mode, a change in the size of video and/or designation of conversion of image size data" features in the group. Thus, Yuzawa '061 (i.e. fig. 4,

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private indicator/privacy mode, and code data "X N" for change in the size of video, col. 7, lines 48 – 54) meets at least one of the limitations as claimed.

Yuzawa '061 does not specifically mention, "requesting a compression ratio of the video data to be transmitted to select the quality of the transmitted image". However the above claim limitation is well known in the prior art of the record as evidenced by Nakatsuyama' 246, in particular (i.e. fig. 3, shows different compression ratio based on the desired quality and the required speed of transmission, also cols. 1 – 2, lines 65 – 10).

Taking the combined teaching of Yuzawa '061 and Nakatsuyama' 246 as a whole it would have been obvious to one ordinary skill in the art at the time of the invention was made to use the teaching of Nakatsuyama' 246 and modify the data transmission and reception device of Yuzawa '061, to avoid congested data communication network and flexibility for data transfer mode, as suggested by Nakatsuyama (col. 1, lines 53 – 58).

Regarding claim 8, combination of Yuzawa '061 and Nakatsuyama' 246 teaches, "wherein the control data represents information of a packet size of the image data when the control index represents a change in the image data size" (i.e. fig. 4 of Yuzawa).

The combination of Yuzawa '061 and Nakatsuyama' 246 does not explicitly mention, header data contain information for "synchronizing between the transmitter and receiver side" and "control data for notifying receiver side of the data, and also information regarding the packet size including any changes in the packet".

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However Official Notice is taken to note that, the above features are common knowledge and notoriously well known in the audio/video broadcasting/communication field, and would have been necessitated for proper communication between the transmitter and the receiver side, and synchronous reproduction of the data. In other words, to have a synchronous communication and proper transmission and reproduction, the receiver side must receive the information of the packet, which would be through the packet header, and actually informs the receiver side of all the information and changes related to the packet data, i.e. packet size, communication rate, and image data and any changes in the packet, etc., which would help the receiver to process the data in a synchronous manner and be able to minimize delay and errors.

Regarding claim 8, as for the limitation “wherein the control data represents information of a packet size of the image data when the control index represents a change in the image data size” please (see claim 1).

Regarding claims 11 – 13, combination of Yuzawa ‘061 and Nakatsuyama’ 246 teaches, “a sequence number and a CRC code are inserted for each different image data size based on a predetermined value according to the change in the image data size indicated by the control index information” (i.e. col. 5, lines 37 – 45 of Yuzawa ‘061).

4. Claims 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuzawa ‘061 in view of Nakatsuyama’ 246 further in view of Martin (US 5,539,823).

Regarding claims 9 – 10, combination of Yuzawa ‘061 and Nakatsuyama’ 246

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Teaches, “an image communication for compressing video and audio data of an image and transmission of the image and a control index representing an information for indicating an additional operation and” as analyzed and rejected with respect to claim 1. Combination of Yuzawa '061 and Nakatsuyama' 24 does not particularly show “inverse of video or audio data” as claimed. However the above claim limitation is well known in the prior art as evidenced by Martin '823, in particular (i.e. col. 1, lines 35+) teaches video inversion for enhancement of viewing security of the video signal.

Taking the combined teaching of Yuzawa '061 and Nakatsuyama' 24 and Martin '823, as a whole it would have been obvious to one skilled in the art at the time the invention was made to use the teaching of Martin and modify the video communication system as taught by combination of Yuzawa and Nakatsuyama, to provide video inversion and change modes to enhance viewing security of the video signal, as suggested by Martin (i.e. col. 2, lines 53 - 54+).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**.

B. M. S. 

10/16/2005


VU LE
PRIMARY EXAMINER